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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/866,140 | 05/25/2001 | John H. Stevens | 045161.0000 | 4444 |
| 20790 | 7590 | 07/05/2006 | EXAMINER | |
| AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. 300 WEST 6TH STREET SUITE 2100 AUSTIN, TX 78701 | | | KARMIS, STEFANOS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3624 | |

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/866,140 | Applicant(s) STEVENS ET AL. | |
| | Examiner Stefano Karmis | Art Unit 3624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following application has been reviewed. Original claims 1-20 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Speakman et al. (hereinafter Speakman) U.S. Patent 5,991,741.

Regarding claim 1, Speakman discloses an excellence indicator system, comprising;
an excellence indicator system database, comprising information concerning resource allocation that is performed by a plurality of entities and indicia of performance of the plurality of entities (column 15, lines 36-55);

a processing circuitry that is operable to perform selective processing of the information contained within the excellence indicator system database, the selective processing comprising integrating indicia of performance of at least one of the entities and resource allocation of the at least one of the entities (column 16, lines 16-46); and

a user interface that allows interaction between a user and the excellence indicator system database (column 9, lines 31-61 and column 21, lines 11-26);

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the processing circuitry generates an analysis report that provides information including at least one of an assessment of financial well-being of the at least one entity, a relation of the at least one entity's performance based on costs incurred by the at least one entity, and an assessment of the allocation of resources by the at least one entity (column 22, line 4-37).

Claim 2, wherein the indicia of performance of the at least one of the entities comprises indicia of academic performance (column 22, line 4-37).

Claim 3, wherein the plurality of entities comprises at least one of a school district and a school campus (column 22, line 4-67).

Claim 4, further comprising a cognitive search engine; and wherein the cognitive search engine operates cooperatively with the processing circuitry to perform the selective processing, the selective processing comprising identifying at least two comparable entities from the plurality of entities and performing comparative analysis of the at least two entities (column 6, lines 10-18 and column 12, lines 53-64).

Claim 5, further comprising a cognitive search engine; and wherein a user selects an entity from the plurality of entities for analysis; the cognitive search engine operates cooperatively with the processing circuitry to perform the selective processing, the selective processing comprising identifying an entity comparable to the user-selected entity; and the

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processing circuitry uses the user-selected entity and the cognitive search engine-identified entity are used for comparative analysis (column 9, lines 31-61 and column 21, lines 11-26).

Claim 6, wherein the plurality of entities comprises a plurality of school districts and a plurality of school campuses; the selective processing comprises identifying comparable school campuses when the comparable school campuses are located within comparable school districts; the comparable school campuses being selected from the plurality of school campuses; and the comparable school districts being selected from the plurality of school districts (column 12, lines 53-64).

Claim 7, wherein the analysis report comprises at least one of a five-year trend chart and a graph (column 23, lines 60-44 and Figures 27-35).

Claim 8, wherein the selective processing performed by the processing circuitry comprises demographic analysis, resource allocation analysis, financial well-being analysis, and performance and costs analysis (column 11, lines 32-67).

Claim 9, wherein the selective processing further comprises strength/weakness identification (column 23, lines 60-44 and Figures 27-35).

Claim 10, wherein the selective processing performed by the processing circuitry comprises identifying related cost factors (column 11, lines 55-67).

Claim 11, wherein the identified related cost factors are further filtered based on a plurality of additional parameters, the plurality of additional parameters comprising geographical proximity (column 12, lines 52-64).

Claim 12, further comprising a cognitive search engine, and wherein the cognitive search engine operates cooperatively with the processing circuitry to perform selection of an entity by using a plurality of parameters, the plurality of parameters comprising size, socio-economic factors, taxable value factors, and trend factors (column 11, lines 55-67).

Regarding claim 13, Speakman discloses an excellence indicator system, comprising:
a excellence indicator system database, comprising: information concerning resource allocation from a plurality of entities, the information comprising a plurality of socio-economic factors, a plurality of taxable value factors, and a plurality of trending factors (column 15, lines 36-55 and column 11, lines 55-67);

a processing circuitry that is operable to perform selective processing of information contained within the excellence indicator system database, the selective processing comprising integrating performance and resources of at least one entity within the plurality of entities (column 16, lines 16-46); and

a user interface that allows interaction between a user and the financial excellence indicator system database (column 9, lines 31-61 and column 21, lines 11-26);

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wherein the processing circuitry generates an analysis report that provides information including at least one of an assessment of financial well-being of the at least one entity, a relation of the at least one entity's performance based on costs incurred by the at least one entity, and an assessment of the allocation of resources by the at least one entity (column 22, line 4-37);

the analysis report comprises a plurality of factors that are used by the user to assess the management of the at least one entity (column 22, line 4-37); and

the user performs data mining of at least one of the plurality of factors for further assessment of the management of the at least one entity (column 22, line 4-37).

Claim 14, wherein the plurality of entities comprises at least one of a school district and a school campus; and the excellence indicator system database further comprises indicia of academic performance of the at least one entity (column 11, lines 32-67).

Regarding claim 15, Speakman discloses a method comprising;

selecting an entity to analyze, the entity being selected from a plurality of entities within a excellence indicator system database (column 11, lines 32-67);

selecting an analysis parameter (column 11, lines 32-67);

performing analysis of the selected entity using the selected analysis parameter; and generating an analysis report (column 22, line 4-37);

wherein the analysis report provides information including at least one of an assessment of financial well-being of the entity, a relation of the entity's performance based on costs incurred

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by the entity, and an assessment of the allocation of resources by the entity (column 22, line 4-37).

Claim 16, further comprising selecting a comparable entity using a cognitive search engine to perform comparative analysis between the entity selected to be analyzed and the cognitive search engine-selected entity (column 6, lines 10-18 and column 12, lines 53-64).

Claim 17, further comprising providing a parameter to the cognitive search engine to control the selection of the comparable entity using the cognitive search engine (column 11, lines 32-67).

Claim 18, wherein the plurality of entities comprises a plurality of school districts and a plurality of school campuses; and further comprising identifying comparable school campuses when the comparable school campuses are located within comparable school districts; wherein the comparable school campuses being selected from the plurality of school campuses; and the comparable school districts being selected from the plurality of school districts (column 12, lines 53-64 and column 22, lines 4-67).

Claim 19, wherein the cognitive search engine operates cooperatively with a processing circuitry to perform selection of an entity by using a plurality of parameters, the plurality of parameters comprising size, socio-economic factors, taxable value factors, and trend factors (column 11, lines 55-67).

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Claim 20, further comprising performing at least one of demographic analysis, resource allocation analysis, financial well being analysis, and performance and costs analysis (column 22, lines 4-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
16 June 2006



HANI M. KAZIMI
PRIMARY EXAMINER